

**14TH SUPPLEMENTAL AGREEMENT**

**between**

**NETWORK RAIL INFRASTRUCTURE LIMITED**

**and**

**FIRST TRANSPENNINE EXPRESS LIMITED**

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Relating to the continuation of service enhancements between York and Newcastle and  
2 additional weekday services between York and Middlesbrough until SCD 2019

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THIS 14th SUPPLEMENTAL AGREEMENT is dated 7th December 2017 and made between:

- (1) NETWORK RAIL INFRASTRUCTURE LIMITED, a company registered in England under company number 02904587, having its registered office at 1 Eversholt Street, London NW1 2DN ("Network Rail"); and
- (2) FIRST TRANSPENNINE EXPRESS LIMITED, a company registered in England under number 09000801 having its registered office at 50 Eastbourne Terrace, Paddington, London W2 6LG.

**Background:**

- (A) The parties entered into a Track Access Contract (Passenger Services) dated 03 March 2016 in a form approved and directed by the Office of Rail and Road pursuant to section 17 of the Railways Act 1993 ("the Act") hereafter referred to as the "Contract".
- (B) The parties now propose to enter into this Supplemental Agreement in order to amend the Contract as described herein.

IT IS HEREBY AGREED as follows:

**1. INTERPRETATION**

In this Supplemental Agreement words and expressions defined in and rules of interpretation set out in the Contract shall have the same meaning and effect when used in this Supplemental Agreement except where the context requires otherwise.

**2. EFFECTIVE DATE AND TERM**

- 2.1 The amendments to the Contract as set out in this Supplemental Agreement shall have effect from the Effective Date and shall cease to have effect on the Subsidiary Change Date 2019;
- 2.2 Effective Date means the later of:
  - a) 02:00 on 10 December 2017; and
  - b) the date on which the Office of Rail and Road issues its approval of the terms of this Supplemental Agreement under Section 22 of the Act.

**3. AMENDMENTS TO THE CONTRACT**

The Contract shall be amended as follows:

- 3.1 In Table 2.1 of Schedule 5 to the Contract the entries for Service Group: "North TransPennine" shall be deleted and replaced with the version as set out in Annex A

3.2 New rows shall be added to Table 4.1: Calling Patterns for Service Group North Transpennine as follows:

a) The following row shall be added immediately after the Manchester Airport to York (Eastbound) entry as follows:

From	To	Via	Description	TSC	Regular Calling Pattern	Additional stations
York	Newcastle		Eastbound	21731000		Darlington, Durham

b) The following row shall be added immediately after the Hull to Manchester Piccadilly (Westbound) entry as follows:

From	To	Via	Description	TSC	Regular Calling Pattern	Additional stations
Newcastle	York		Westbound	21731000		Durham, Darlington

#### 4. EFFECT OF THIS SUPPLEMENTAL AGREEMENT ON THE CONTRACT

The parties agree that the Contract, as amended by this Supplemental Agreement, shall remain in full force and effect in accordance with its terms, and with effect from and including the date hereof and during the period in which the amendments made by this Supplemental Agreement are to have effect, all references in the Contract to the "Contract", "herein", "hereof", "hereunder" and other similar expressions shall, unless the context requires otherwise, be read and construed as a reference to the Contract as amended by this Supplemental Agreement.

#### 5. LAW

This Supplemental Agreement shall be governed by, construed and given effect to in all respects in accordance with the law of England and Wales.

#### 6. THIRD PARTY RIGHTS

No person who is not a party to this Supplemental Agreement shall have any right under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this Supplemental Agreement.

**7. COUNTERPARTS**

This Supplemental Agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute an original, but all the counterparts shall together constitute one and the same instrument.

IN WITNESS of which Network Rail and the Train Operator have, by their duly authorised representatives, respectively entered into this Supplemental Agreement on the date first above written.

SIGNED BY ..... *M.J. Froisher* .....

PRINT NAME ..... *M.J. FROISHER* .....

Duly authorised for and on behalf of

**NETWORK RAIL INFRASTRUCTURE LIMITED**

SIGNED BY ..... *Leo Goodwin* .....

PRINT NAME ..... *LEO GOODWIN* .....

Duly authorised for and on behalf of

**FIRST TRANSPENNINE EXPRESS LIMITED**

## 2 Passenger Train Slots

Annex A

Table 2.1: Passenger Train Slots

### Service Group: North Transpennine

1						2		
Service Group: North Transpennine (Eastbound)								
Service description						Passenger Train Slots		
Leeds	Hull		Eastbound	21733000	185 or 170	2	2	3
Manchester Piccadilly	Hull		Eastbound	21733000	185 or 170	14	13	7
Manchester Airport	Hull		Eastbound	21733000	185 or 170	0	0	1
Manchester Airport	Middlesbrough	Yarm	Eastbound	21734000	185	13	13	6

1						2		
Service Group: North Transpennine (Eastbound)								
Service description						Passenger Train Slots		
York	Middlesbrough	Darlington	Eastbound	21734000	185	1	1	1
York	Middlesbrough	Yarm	Eastbound	21734000	185	2 <sup>1</sup>	1	0
Liverpool Lime Street	Newcastle	Manchester Victoria	Eastbound	21731000	185	14	14	11
Manchester Airport	Newcastle		Eastbound	21734000 21731000	185	2	2	2
Liverpool Lime Street	Newcastle	Manchester Piccadilly	Eastbound	21732000 21731000	185	1	0	1
Liverpool Lime Street	Scarborough	Manchester Piccadilly	Eastbound	21732000 21734000	185	13	13	11

<sup>1</sup> From the Subsidiary Change Date 2019 the quantum will be reduced to 1

1						2		
Service Group: North Transpennine (Eastbound)								
Service description						Passenger Train Slots		
Liverpool Lime Street	Scarborough	Manchester Victoria	Eastbound	21731000	185	0	0	1
Leeds	Scarborough		Eastbound	21732000	185	0	0	1
Manchester Airport	Scarborough		Eastbound	21734000 21732000	185	1	0	1
Manchester Piccadilly	Scarborough		Eastbound	21732000	185	1	1	0
York	Scarborough		Eastbound	21732000	185	2	2	0
Liverpool Lime Street	York	Manchester Piccadilly	Eastbound	21732000	185	3	3	2
Manchester Airport	York		Eastbound	21734000	185	15	17	9

1						2		
Service Group: North Transpennine (Eastbound)								
Service description						Passenger Train Slots		
Manchester Piccadilly	York		Eastbound	21734000	185	1	1	0
York	Newcastle		Eastbound	21731000	185	4 <sup>2</sup>	5 <sup>3</sup>	5 <sup>4</sup>

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<sup>2</sup> From the Subsidiary Change Date 2019 the quantum will be reduced to 0

<sup>3</sup> From the Subsidiary Change Date 2019 the quantum will be reduced to 0

<sup>4</sup> From the Subsidiary Change Date 2019 the quantum will be reduced to 0

1						2		
Service Group: North Transpennine (Westbound)								
Service description						Passenger Train Slots		
						Weekday	Saturday	Sunday
Hull	Leeds		Westbound	21733000	185 or 170	2	2	4 <sup>5</sup>
Hull	Manchester Victoria		Westbound	21733000	185	1 <sup>6</sup>	0	0
Hull	Manchester Piccadilly		Westbound	21730000	185 or 170	13	13	8
Hull	Manchester Airport		Westbound	21730000	185 or 170	1	1	0
Middlesbrough	York	Yarm	Westbound	21734000	185	2 <sup>7</sup>	2	1

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<sup>5</sup> From the Subsidiary Change Date 2018 the quantum will be reduced to 3

<sup>6</sup> From the Subsidiary Change Date 2018 the quantum will be reduced to 0

<sup>7</sup> From the Subsidiary Change Date 2019 the quantum will be reduced to 1

1						2		
Service Group: North Transpennine (Westbound)								
Service description						Passenger Train Slots		
						Weekday	Saturday	Sunday
Middlesbrough	York	Darlington	Westbound	21734000	185	1	1	0
Middlesbrough	Leeds	Darlington	Westbound	21734000	185	1	0	0
Middlesbrough	Manchester Airport	Yarm	Westbound	21734000	185	13	13	5
Middlesbrough	Liverpool Lime Street	Yarm	Westbound	21734000	185	1	1	1
Newcastle	Liverpool Lime Street	Manchester Victoria	Westbound	21731000	185	13	13	11
Newcastle	Manchester Airport		Westbound	21731000 21734000	185	2	2	2
Newcastle	Manchester Piccadilly		Westbound	21731000 21732000	185	0	0	1
Scarborough	Liverpool Lime Street		Westbound	21732000	185	13	14	12

1						2		
Service Group: North Transpennine (Westbound)								
Service description						Passenger Train Slots		
						Weekday	Saturday	Sunday
Scarborough	Manchester Airport		Westbound	21732000 21734000	185	2	2	0
Scarborough	Manchester Piccadilly		Westbound	21734000	185	0	1	1
Scarborough	York		Westbound	21732000	185	2	3	0
York	Manchester Airport		Westbound	21734000	185	12	13	12
York	Liverpool Lime Street	Manchester Piccadilly	Westbound	21732000	185	1	1	2
York	Liverpool Lime Street	Manchester Victoria	Westbound	21731000	185	1	1	0
York	Manchester Piccadilly		Westbound	21732000	185	4	3	0
Leeds	Manchester Piccadilly		Westbound	21733000	185 or 170	1	0	0

1						2		
<b>Service Group: North Transpennine (Westbound)</b>								
<b>Service description</b>						<b>Passenger Train Slots</b>		
						<b>Weekday</b>	<b>Saturday</b>	<b>Sunday</b>
Manchester Piccadilly	Liverpool Lime Street		Westbound	21732000	185	2	1	1
Newcastle	York		Westbound	21731000	185	4 <sup>8</sup>	5 <sup>9</sup>	5 <sup>10</sup>

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<sup>8</sup> From the Subsidiary Change Date 2019 the quantum will be reduced to 0

<sup>9</sup> From the Subsidiary Change Date 2019 the quantum will be reduced to 0

<sup>10</sup> From the Subsidiary Change Date 2019 the quantum will be reduced to 0